

GOVERNMENT OF MAHARASHTRA.

GENERAL ADMINISTRATION DEPARTMENT.

Circular No. VGC-1066/C-10544-D-I.

Sachivalaya, Bombay-32-Br., dated 14th December 1966.
23rd Agrahayana, 1888.

CIRCULAR OF GOVERNMENT.

The procedure for sanctioning the prosecution of Government servants in cases investigated by the Anti-Corruption Bureau in which that Bureau recommends prosecution has been laid down in sub-paragraphs (vi) and (vii) of paragraph 3 of Government Resolution, General Administration Department, No. VGC-1064-D, dated the 12th August, 1964 as amended by Government Resolution, General Administration Department, No. VGC-1065-D-I, dated the 21st April 1965. With a view to ensuring that orders sanctioning prosecution are issued quickly in pursuance of this procedure, Government is pleased to issue the following instructions:—

- (I) *Cases covered by the said sub-paragraph (vi) i.e. cases in which sanction for prosecution is required under any law to be issued in the name of the Governor :*

The Heads of Departments to whom the Anti-Corruption Bureau forwards copies of its reports submitted to Government through the State Vigilance Commission should forward their comments to the State Vigilance Commission as soon as possible and in any case within 14 days from the date of receipt of the copies. In cases in which they have no specific comments to make, they should inform the Vigilance Commission accordingly within the same period.

- (II) *Cases covered by the said sub-paragraph (vii), i.e. cases where an authority other than the Governor is competent to sanction prosecution :*

The authorities concerned should decide whether or not a *prima facie* case exists for sanctioning prosecution on the basis of the report of the Anti-Corruption Bureau as soon as possible and issue the sanction without delay if they agree with the recommendation of the Anti-Corruption Bureau. Otherwise, i.e. if they propose to reject the recommendation of the Anti-Corruption Bureau they should forward the case together with the relevant records and a detailed note explaining why they propose to do so to the State Vigilance Commission for advice as soon as possible and in any case, within 14 days from the date of receipt of the report from the Anti-Corruption Bureau.

In exceptional cases in which the competent authority finds that it will take more than two weeks to come to a conclusion, the local representative of the Anti-Corruption Bureau should be informed about the time by which it would be feasible to communicate the decision.

2. In this connection attention of all the concerned authorities is also invited to the instructions contained in Government Circular, General Administration Department, No. CDR-2065/Recommendation No. 92-D-I, dated the 18th December 1965 and they are requested to ensure that sanctions to prosecution are issued expeditiously.

By order and in the name of the Governor of Maharashtra,

K. P. NADKARNI,
Deputy Secretary to the Government of Maharashtra,
General Administration Department.

To

The Secretary to the Governor,
The Private Secretary to the Chief Minister,
The Prothonotary and Senior Master, High Court, Bombay (by letter),
The Registrar, High Court (Appellate Side), Bombay (by letter),
The State Vigilance Commissioner, Maharashtra State, Bombay (with reference to
the Commission's letter No. CVC-1166/3096, dated the 18th July 1966),
The Inspector General of Police, Maharashtra State, Bombay,
The Director, Anti-Corruption and Prohibition Intelligence Bureau, Bombay,
All other Heads of Departments and Heads of offices under the several Departments
of the Secretariat except those belonging to the Judicial Department,
All Departments of the Secretariat.

No. of 1966.

Copy forwarded for information and guidance to—